

111TH CONGRESS
1ST SESSION

H. R. 1046

To ensure the effective implementation of children's product safety standards
under the Consumer Product Safety Improvement Act of 2008.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2009

Mr. PUTNAM (for himself and Mr. PLATTS) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To ensure the effective implementation of children's product
safety standards under the Consumer Product Safety
Improvement Act of 2008.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Children’s Product
5 Safety Enhancement and Clarification Act of 2009”.

1 **SEC. 2. MANDATORY EXCLUSION OF FABRIC PRODUCTS**
2 **FROM LEAD LIMITS; SPECIAL CONSIDER-**
3 **ATIONS IN ENFORCEMENT WITH RESPECT TO**
4 **SMALL BUSINESSES, THRIFT STORES SELL-**
5 **ING USED GOODS, AND DONATIONS TO CHAR-**
6 **ITIES.**

7 (a) MANDATORY EXCLUSION OF FABRIC PRODUCTS
8 FROM LEAD LIMITS.—Section 101(b) of the Consumer
9 Product Safety Improvement Act of 2008 (15 U.S.C.
10 1278a(b)) is amended by adding at the end the following:

11 “(6) MANDATORY EXCLUSION OF FABRIC PROD-
12 UCTS.—Subsection (a) of this section shall not apply
13 to a children’s product (as defined in section
14 3(a)(16) of the Consumer Product Safety Act) made
15 solely out of fabric (as defined in section 2(f) of the
16 Textile Fiber Products Identification Act).”.

17 (b) SPECIAL CONSIDERATIONS IN ENFORCEMENT
18 WITH RESPECT TO SMALL BUSINESSES, THRIFT STORES
19 SELLING USED GOODS, AND DONATIONS TO CHAR-
20 ITIES.—Section 101 of such Act (15 U.S.C. 1278a) is
21 amended by adding at the end the following:

22 “(h) SPECIAL CONSIDERATIONS IN ENFORCEMENT
23 WITH RESPECT TO SMALL BUSINESSES, THRIFT STORES
24 SELLING USED GOODS, AND DONATIONS TO CHAR-
25 ITIES.—

1 “(1) IN GENERAL.—In enforcing this section
2 with respect to an entity described in paragraph (2),
3 or a donation described in paragraph (3) made or to
4 be made by any entity, the Commission shall do the
5 following:

6 “(A) Work cooperatively with the entity.

7 “(B) Take into account economic, adminis-
8 trative, or other limits on the ability of the enti-
9 ty to comply with this section.

10 “(C) Construe this section, as it applies to
11 the entity or the donation, favorably to the enti-
12 ty.

13 “(2) ENTITY DESCRIBED.—An entity is de-
14 scribed in this paragraph if the entity—

15 “(A) has made a good faith effort to com-
16 ply with this section; and

17 “(B) is any of the following:

18 “(i) A business concern that meets
19 the requirements of section 3(a) of the
20 Small Business Act and the regulations
21 promulgated pursuant to that section.

22 “(ii) A person who sells, including on
23 consignment, a children’s product (as de-
24 fined in section 3(a)(16) of the Consumer
25 Product Safety Act) that, when sold or of-

1 ferred for sale, has been previously pur-
 2 chased by a consumer.

3 “(3) DONATION DESCRIBED.—A donation is de-
 4 scribed in this paragraph if the donation is of a chil-
 5 dren’s product (as defined in section 3(a)(16) of the
 6 Consumer Product Safety Act) by a person to an or-
 7 ganization that is—

8 “(A) described in section 501(c)(3) of the
 9 Internal Revenue Code of 1986; and

10 “(B) exempt from taxation under section
 11 501(a) of such Code.”.

12 (c) EFFECTIVE DATE.—The amendments made by
 13 this section shall take effect as if included in the enact-
 14 ment of section 101 of the Consumer Product Safety Im-
 15 provement Act of 2008.

16 **SEC. 3. EXEMPTION OF FABRIC PRODUCTS FROM MANDA-**
 17 **TORY THIRD PARTY TESTING.**

18 (a) IN GENERAL.—Section 14(a)(2) of the Consumer
 19 Product Safety Act (15 U.S.C. 2063(a)(2)), as amended
 20 by section 102(a)(2) of the Consumer Product Safety Im-
 21 provement Act of 2008, is amended by inserting after “a
 22 children’s product safety rule” the following: “(except a
 23 children’s product made solely out of fabric (as defined
 24 in section 2(f) of the Textile Fiber Products Identification
 25 Act))”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect as if included in the enact-
3 ment of section 102 of the Consumer Product Safety Im-
4 provement Act of 2008.

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